

REMARKS

In accordance with the foregoing, claim 14 has been amended. Claims 1-5, 7-19, 21, and 22 are pending, with claims 1, 8, and 14 being independent. Claims 14-19, 21, and 22 are under consideration as being directed to elected Invention III. Claims 1-5 and 7 are withdrawn from consideration as being directed to non-elected Invention I, and claims 8-14 are withdrawn from consideration as being directed to non-elected Invention II. No new matter is presented in this Amendment.

The Finality of the Final Office Action of April 10, 2008, Has Been Withdrawn

The finality of the Final Office Action of April 10, 2008, was withdrawn in the Decision on Petition of June 2, 2008, as requested in the Petition Under 37 CFR 1.181(a) for Withdrawal of Finality of Office Action and Restarting of Period for Response of May 12, 2008. Thus, this Amendment is being submitted as a response to a non-final Office Action.

The Denial of the Request to Restart the Period for Response in Decision on Petition of June 2, 2008, Was Improper

The Decision on Petition of June 2, 2008, denied the request that the period for response be restarted made pursuant to 37 CFR 1.181(a) and MPEP 706.07(d) and 710.06 in the Petition Under 37 CFR 1.181(a) for Withdrawal of Finality of Office Action and Restarting of Period for Response of May 12, 2008. Page 3 of the Decision on Petition of June 2, 2008, states as follows:

Applicants also request that the period for responding to the outstanding office action be restarted. Section (f) of 37 CFR 1.181 states:

(f) The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of any other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

Even upon withdrawal of the finality of the April 10, 2008 office action, the grounds of rejection set forth in the office action would

still apply and applicants would still have an obligation to respond in a timely manner. Because the rule clearly states that the filing of a petition will not stay any period for replay that may be running against the application, the request for restarting the period for response is DENIED. The period for response set forth in the April 10, 2008, office action still applies.

However, MPEP 710.06 states as follows in pertinent part:

Where the citation of a reference is incorrect or an Office action contains some other error that affects applicant's ability to reply to the Office action and this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant. If the error is brought to the attention of the Office within the period for reply set in the Office action but more than 1 month after the date of the Office action, the Office will set a new period for reply, if requested to do so by the applicant, to substantially equal the time remaining in the reply period. For example, if the error is brought to the attention of the Office 5 weeks after mailing the action, then the Office would set a new 2-month period for reply. The new period for reply must be at least 1 month and would run from the date the error is corrected.

Here, it is submitted that the premature finality of the Final Office Action of April 10, 2008, was an error that affected the applicant's ability to reply to the Final Office Action of April 10, 2008, pursuant to MPEP 710.06 because, *inter alia*, 37 CFR 1.116 limits the applicant's ability to amend the claims when replying to a Final Office Action. Accordingly, it is submitted that the denial of the request to restart the period for response in the Decision on Petition of June 2, 2008, was improper.

However, the point is now moot because the applicant has been able to respond within the period for response set in the Final Office Action of April 10, 2008.

Claim Rejections Under 35 USC 112

Rejection 1

Claim 22 has been rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement because the Examiner is of the opinion that claim 22 contains subject matter that was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. This rejection is respectfully traversed.

The Examiner states as follows on page 2 of the Final Office Action of April 10, 2008:

The rejection has been previously cited in the Examiner's Answer filed 12/19/2007.

The rejection is respectfully traversed for the reasons set forth on pages 8-12 of the Appeal Brief of August 27, 2007, and pages 5-9 of the Reply Brief of February 14, 2008.

Furthermore, in response to the arguments on pages 6-9 of the Reply Brief of February 14, 2008, the Examiner states as follows on pages 4 and 5 of the Final Office Action of April 10, 2008:

Applicant argues on pg. 6-9 that the teaching of dot welding, resistance dot welding, and laser dot welding fully supports "wherein the flat frame and the flat cover mask are the only elements that touch the flat mask". However, Applicant seems to have missed the point of Examiner's argument. Examiner had argued on pg. 12 of the Answer as follows:

The disclosure of a single species (i.e., laser welding) does not reasonably convey to one skilled in the art that Appellant had possession of an entire genus at the time the present invention was filed because a genus contains multiple species.

Specifically, the genus of all methods for having the frame and the cover mask being the only elements that touch the mask is not limited to only a single species of laser welding. For example, clamping of the frame and cover mask can achieve a structure wherein only the frame and the cover mask touch the mask. The present specification does not have a disclosure for a method of clamping or an explicit disclosure for the frame and the cover mask being the only elements that touch the mask and, thus, does not fully support the claimed genus because the disclosure does not include all the species within the genus. If Applicant wishes to claim the specific species as disclosed in the present specification, then the terms as used in the present specification (e.g., dot welding, resistance dot welding, and/or laser dot welding) should be used in the claims.

However, it is submitted that the application as originally filed does not disclose only "a single species of laser welding" of the alleged "genus of all methods for having the frame and the cover mask being the only elements that touch the mask" as apparently once again alleged

by the Examiner. Rather, as discussed on pages 7 and 8 of the Reply Brief of February 14, 2008, the present application as originally filed discloses resistance welding, dot welding, laser welding, and laser dot welding.

With respect to the Examiner's statement that "[t]he present specification does not have . . . an explicit disclosure for the frame and the cover mask being the only elements that touch the mask," it is submitted that the application as originally filed does in fact have such an explicit disclosure for the reasons discussed on pages 8 and 9 of the Reply Brief of February 14, 2008, where the applicant states as follows in pertinent part:

Here, it is submitted that at least FIGS. 3 and 6A of the present application as originally filed (wherein the welding dots 140 in FIG. 3 may be formed, for example, by dot welding, resistance dot welding, or laser dot welding as described, for example, in paragraphs [0032], [0037], [0045], and [0052] of the specification as originally filed and original claims 5 and 18) show the feature "wherein the flat frame and the flat cover mask are the only elements that touch the flat mask" recited in claim 22, such that the application as originally filed does in fact reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, has possession of the claimed invention. Accordingly, it is submitted that claim 22 does in fact comply with the written description requirement of 35 USC 112, first paragraph.

However, the Examiner did not take note of the arguments on pages 8 and 9 of the Reply Brief of February 14, 2008, and answer the substance of them in the Final Office Action of April 10, 2008, as required by MPEP 707.07(f).

The Examiner's position appears to be that dependent claim 22, which was added in the Amendment of February 1, 2007, is a generic claim. Assuming *arguendo* that the Examiner is correct, the Examiner's attention is directed to MPEP 2163.05(I), which states as follows on MPEP page 2100-189:

Addition of Generic Claim

The written description requirement for a claimed genus may be satisfied through sufficient description of a representative number of species. A "representative number of species" means that the species which are adequately described are representative of the entire genus. Thus, when there is substantial variation within the genus, one must describe a sufficient variety of species to reflect the variation within the

genus. The disclosure of only one species encompassed within a genus adequately describes a claim directed to that genus only if the disclosure "indicates that the patentee has invented species sufficient to constitute the gen[us]." See *Enzo Biochem*, 323 F.3d at 966, 63 USPQ2d at 1615. "A patentee will not be deemed to have invented species sufficient to constitute the genus by virtue of having disclosed a single species when ... the evidence indicates ordinary artisans could not predict the operability in the invention of any species other than the one disclosed." *In re Curtis*, 354 F.3d 1347, 1358, 69 USPQ2d 1274, 1282 (Fed. Cir. 2004) (Claims directed to PTFE dental floss with a friction-enhancing coating were not supported by a disclosure of a microcrystalline wax coating where there was no evidence in the disclosure or anywhere else in the record showing applicant conveyed that any other coating was suitable for a PTFE dental floss.) On the other hand, there may be situations where one species adequately supports a genus. See, e.g., *In re Rasmussen*, 650 F.2d 1212, 1214, 211 USPQ 323, 326-27 (CCPA 1981) (disclosure of a single method of adheringly applying one layer to another was sufficient to support a generic claim to "adheringly applying" because one skilled in the art reading the specification would understand that it is unimportant how the layers are adhered, so long as they are adhered); *In re Herschler*, 591 F.2d 693, 697, 200 USPQ 711, 714 (CCPA 1979) (disclosure of corticosteroid in DMSO sufficient to support claims drawn to a method of using a mixture of a "physiologically active steroid" and DMSO because "use of known chemical compounds in a manner auxiliary to the invention must have a corresponding written description only so specific as to lead one having ordinary skill in the art to that class of compounds. Occasionally, a functional recitation of those known compounds in the specification may be sufficient as that description."); *In re Smythe*, 480 F.2d 1376, 1383, 178 USPQ 279, 285 (CCPA 1973) (the phrase "air or other gas which is inert to the liquid" was sufficient to support a claim to "inert fluid media" because the description of the properties and functions of the air or other gas segmentizing medium would suggest to a person skilled in the art that appellant's invention includes the use of "inert fluid" broadly.). However, in *Tronzo v. Biomet*, 156 F.3d 1154, 1159, 47 USPQ2d 1829, 1833 (Fed. Cir. 1998), the disclosure of a species in the parent application did not suffice to provide written description support for the genus in the child application. Similarly, see *In re Gosteli*, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989) (generic and subgeneric claims in the U.S. application were not entitled to the benefit of foreign priority where the foreign application disclosed only two of the species encompassed by the broad generic claim and the subgeneric Markush claim that encompassed 21 compounds).

Here, it is submitted that the disclosure of resistance welding, dot welding, laser welding, and laser dot welding in the present application as originally filed constitutes a sufficient description of a representative number of species of the alleged claimed "genus of all methods for having the frame and the cover mask being the only elements that touch the mask" identified by the Examiner, and thus satisfies the written description requirement of 35 USC 112, first paragraph, for the alleged claimed genus.

For at least the foregoing reasons, it is respectfully requested that the rejection of claim 22 under 35 USC 112, first paragraph, as failing to comply with the written description requirement be withdrawn.

Claim Rejections Under 35 USC 103

Rejection 2

Claims 14-17 and 21 have been rejected under 35 USC 103(a) as being unpatentable over Utsugi et al. (Utsugi) (U.S. Patent Application Publication No. 2002/0150674) in view of Ito et al. (Ito) (U.S. Patent No. 5,652,067) and Martin (U.S. Patent No. 4,676,193). This rejection is respectfully traversed.

The Examiner states as follows on page 3 of the Final Office Action of April 10, 2008:

The rejection has been previously cited in the Examiner's Answer filed 12/19/2007.

The rejection is respectfully traversed for the reasons set forth on pages 12-26 of the Appeal Brief of August 27, 2007, and pages 11-23 of the Reply Brief of February 14, 2008.

Furthermore, in response to the arguments on page 13 of the Reply Brief of February 14, 2008, the Examiner states as follows on page 5 of the Final Office Action of April 10, 2008:

Applicant presents the modification of Fig. 7 of Martin as proposed by Examiner and argues on pg. 13 that the apertures 72 and 96 presumably would no longer be required because the apertures 72 and 96 would no longer be needed to accept the registration members 60 shown in Fig. 1 of Martin to hold the metal foil, the modified mask supporting frame 34, and the modified clamping member 88 together. However, Martin seems to teach that the registration members are independent of the mechanism to hold the mask assembly together. The registration

pins seem to be used for aligning the mask assembly to the gantry assembly, wherein the gantry assembly includes the deposition substrate and wherein the registration pins of the mask are aligned to the registration members 162, 164, 166 of the gantry (col. 18, line 54-col. 19, line 34; Figs. 21-23). Therefore, there is no need to remove the apertures 72 and 96 in the rejection directed to claim 14. However, the rejection to claim 22 is directed to the motivation of substituting the registration pins for the alignment marks of Fujimori. Such a substitution would include the removal of the registration pins.

Assuming *arguendo* that the Examiner is correct, then the diagram of the modification of FIG. 7 of Martin proposed by the Examiner shown on page 13 of the Reply Brief of February 14, 2008, should be considered to have the apertures 72 and 96 shown in FIG. 7 of Martin, which is shown on page 13 of the Reply Brief of February 13, 2008, with respect to the rejections of claims 14-19 and 21 based on Martin, and should be considered not to have the apertures 72 and 96 as shown on page 13 of the Reply Brief of February 14, 2008, with respect to the rejection of claim 22 based on Martin.

In response to the arguments on page 14 of the Reply Brief of February 14, 2008, the Examiner continues as follows on page 5 of the Final Office Action of April 10, 2008:

Applicant argues on pg. 14 that the position as taken by the Examiner that "the weight of the clamping member, even without adding the modification of welding, would necessarily provide at least some downward force on the metal foil such that at least some radial tension would be applied to the metal foil" is contrary to the laws of physics. Applicant is correct. A more accurate position would be that the weight of the clamping member would necessarily provide at least some downward force on the metal foil such that at least some radial tension would be *maintained* on the metal foil.

Thus, the Examiner's position now appear to be as follows. Martin's metal foil 40' is placed on the flat modified mask supporting frame 32 in the diagram of the modification of FIG. 7 proposed by the Examiner shown on page 13 of the Reply Brief of February 14, 2008, and a stretching force is applied to the edges of the metal foil 40' to apply a radial tension to the metal foil 40' as described in column 9, lines 61-64, and column 10, lines 27-32, of Martin. Then, the flat modified clamping member 88 is placed on the stretched metal foil 40' as shown in the diagram of the modification of FIG. 7 proposed by the Examiner shown on page 13 of the Reply Brief of February 14, 2008. Then, the stretching force applied to the edges of the metal foil 40'

is released, and the mere weight of the modified clamping member 88 pressing down on the stretched metal foil 40' as shown in the diagram of the modification of FIG. 7 proposed by the Examiner shown on page 13 of the Reply Brief of February 14, 2008, maintains at least some of the radial tension in the stretched metal foil 40' that was established by the stretching force.

However, the Examiner's attention is directed to column 8, lines 50-62, of Martin, which states as follows:

In the preferred embodiment, typical initial tension shown by arrows 66, is in the order of one thousand (1,000) pounds per square inch was found to be satisfactory. In a vapor deposition process at typical deposition temperatures and in a vacuum in the order of 10^{-5} to 10^{-8} torr, the tension or stress in the metal foil could exceed one hundred thousand (100,000) pounds per square inch. One embodiment of a material which is adapted for use in practice of the invention for the mask 40 was full hard 304 stainless steel which has a yield strength of approximately two hundred thousand (200,000) pounds per square inch.

In light of the extremely high tension in the metal foil 40' described in this passage, it is submitted that the mere weight of the modified clamping member 88 pressing down on the stretched metal foil 40' as shown in the diagram of the modification of FIG. 7 proposed by the Examiner shown on page 13 of the Reply Brief of February 14, 2008, would not in fact be able to maintain at least some of the radial tension in the stretched metal foil 40' that was established by the stretching force as apparently alleged by the Examiner.

In response to the arguments on pages 15-23 of the Reply Brief of February 14, 2008, the Examiner states as follows on page 5 of the Final Office Action of April 10, 2008:

In regards to the arguments on pg. 15-23, Examiner maintains his position as cited in the Examiner's Answer filed 12/19/2007.

However, the Examiner did not take note of the applicant's arguments on pages 15-23 of the Reply Brief of February 14, 2008, and answer the substance of them in the Final Office Action of April 10, 2008, as required by MPEP 707.07(f).

Conclusion—Rejection 2

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 14-17 and 21 (i.e., claims 14, 17, and 21 discussed above and claims 15 and 16 depending from claim 14) under 35 USC 103(a) as being unpatentable over Utsugi in view of Ito and Martin be withdrawn.

Rejection 3

Claim 15 has been rejected under 35 USC 103(a) as being unpatentable over Utsugi in view of Ito and Martin as applied to claim 14, and further in view of Yamada et al. (Yamada) (U.S. Patent Application Publication No. 2001/0019807).

The Examiner states as follows on page 3 of the Final Office Action of April 10, 2008:

The rejection has been previously cited in the Examiner's Answer filed 12/19/2007.

The rejection is respectfully traversed for the reasons set forth on pages 26 and 27 of the Appeal Brief of August 27, 2007, and page 23 of the Reply Brief of February 14, 2008.

For at least the foregoing reasons, it is respectfully requested that that the rejection of claim 15 under 35 USC 103(a) as being unpatentable over Utsugi in view of Ito and Martin as applied to claim 14, and further in view of Yamada be withdrawn.

Rejection 4

Claims 18 and 19 have been rejected under 35 USC 103(a) as being unpatentable over Utsugi in view of Ito and Martin as applied to claim 17, and further in view of Kitazume (U.S. Patent Application Publication No. 2002/0025406).

The Examiner states as follows on page 3 of the Final Office Action of April 10, 2008:

The rejection has been previously cited in the Examiner's Answer filed 12/19/2007.

This rejection is respectfully traversed for the reasons set forth on page 27 of the Appeal Brief of August 27, 2007, and page 23 of the Reply Brief of February 14, 2008.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 18 and 19 under 35 USC 103(a) as being as being unpatentable over Utsugi in view of Ito and Martin as applied to claim 17, and further in view of Kitazume be withdrawn.

Rejection 5

Claim 22 has been rejected under 35 USC 103(a) as being unpatentable over Utsugi in view of Ito and Martin as applied to claim 14, and further in view of Fujimori et al. (Fujimori) (U.S. Patent Application Publication No. 2002/0102754).

The Examiner states as follows on page 3 of the Final Office Action of April 10, 2008:

The rejection has been previously cited in the Examiner's Answer filed 12/19/2007.

The rejection is respectfully traversed for the reasons set forth on pages 27-31 of the Appeal Brief of August 27, 2007, and pages 24-26 of the Reply Brief of February 14, 2008.

Furthermore, in response to the arguments on pages 24-26 of the Reply Brief of February 14, 2008, the Examiner states as follows on pages 5 and 6 of the Final Office Action of April 10, 2008:

Applicant argues on pg. 24-26 that the evidence relied on by the Board in *Smith v. Hayashi* was found in a single document which indicated that Pc and selenium are equivalents. Applicant continues to argue that although Martin and Fujimori each disclose a different method of aligning a substrate to a mask for a vapor deposition process, neither of the two references discloses that the two different methods are equivalents. However, two separate disclosures each disclosing a distinct method of performing the *same tasks* would reasonably suggest to one of ordinary skill that the two method were operable equivalents and that the substitution of one method for the other would predictably achieve the same results.

However, it is submitted that one of ordinary skill in the art would not consider the alignment methods disclosed by Martin and Fujimori to be operable equivalents as alleged by the Examiner. Martin's alignment method uses the reference registration members 162, 164, and 166 provided on the gantry assembly 130 as shown in FIGS. 11, 12, 22, and 23 to co-act with the prealigned registration members 60 provided on the stabilized mask assembly 32 as

shown in FIGS. 1, 21, and 23 to achieve precise alignment of registration between the substrate 300 and the apertures 308 and 310 of the mask 302 (corresponding to the metal foil 40 in FIGS. 1, 21, and 23) as shown in FIG. 19 of Martin. See column 15, lines 32-40; column 17, lines 33-45; and column 19, lines 22-30, of Martin. As described in column 3, line 22, through column 4, line 46, of Martin, Martin's alignment method solves numerous problems described in a prior-art alignment method described as follows in column 2, lines 47-51, of Martin:

The apparatus utilized in fabricating such thin film transducers relied solely on the use of mask-carriage assembly which functionally attempted to index and accurately position a specific deposition mask pattern relative to a substrate.

On page 8 of the Examiner's Answer of December 19, 2007, the Examiner relies on paragraph [0066] of Fujimori, which describes the apparatus shown in FIGS. 8A and 8B of Fujimori. Lines 6-25, of paragraph [0066] read as follows:

The alignment marks 6 of the integrated mask 1 and alignment marks formed in the substrate A, the apertures formed in the deposition masks 20, etc., are observed by a camera 530 through a looking glass 504 formed in the external wall 508. In accordance with the observation result, the positional relationship between the integrated mask 1 and the substrate A is adjusted in the rotational direction by the X-Y guide 516 in the X and Y directions and by the motor 528. When the alignment marks of the substrate A are observed, the elevation shaft 526 is moved downward and the substrate A is placed on the integrated mask 1. Thus, the observation is performed while the substrate A is disposed on the integrated mask 1. Then, after the adjustment of the relative position between the substrate A and the integrated mask 1, a pressing member 524, which can be moved in the vertical direction relative to the bracket 520 by a driver (not shown), is moved downward. Thus, the pressing member 524 presses the substrate A, and the adhesion force between the substrate A and the integrated mask 1 is increased.

Thus, Fujimori's alignment method is an example of the very prior-art alignment method having the problems that are solved by Martin's alignment method. In light of this, it is submitted that one of ordinary skill in the art would not consider the alignment methods disclosed by Martin and Fujimori to be operable equivalents as alleged by the Examiner. Accordingly, it is submitted that there would have been no reason for one of ordinary skill in the

art to use Fujimori's alignment method with Martin's mask to form Utsugi's electroluminescent device as proposed by the Examiner.

For at least the foregoing reasons, it is respectfully requested that that the rejection of claim 22 under 35 USC 103(a) as being unpatentable over Utsugi in view of Ito and Martin as applied to claim 14, and further in view of Fujimori be withdrawn.

Rejection 6

Claims 14, 15, 17, 18, and 21 have been rejected under 35 USC 103(a) as being unpatentable over Tsuchiya et al. (Tsuchiya) (WO 03/019988 and English translation thereof) in view of Ito. This rejection is respectfully traversed.

The Examiner states as follows on page 3 of the Final Office Action of April 10, 2008:

The rejection has been previously cited in the Examiner's Answer filed 12/19/2007.

The applicant responded to this rejection in the Examiner's Answer of December 19, 2007, with the following arguments on page on pages 26 and 27 of the Reply Brief of February 14, 2008:

However, it is submitted that claims 14, 15, 17, 18, and 21 are in fact patentable over Tsuchiya and Ito for at least the following reasons.

The publication date of Tsuchiya is March 6, 2003, which is before the U.S. filing date of November 21, 2003, of the present application, but is after the filing date of November 22, 2002, of Japanese Patent Application No. 2002-339616, the Japanese priority application of the present application. Accordingly, pursuant to 37 CFR 1.55(a) and MPEP 201.15, submitted herewith is a Submission of English Translation of Priority Document submitting an English translation of Japanese Patent Application No. 2002-339616 filed on November 22, 2002, and a Certification of Translation containing a statement that the English translation is accurate to perfect the applicant's claim for foreign priority under 35 USC 119(a)-(d) and remove the availability of Tsuchiya as a reference against the claims of the present application that are supported by the Japanese priority application as evidenced by the English translation. A certified copy of Japanese Patent Application No. 2002-339616 was filed on November 21, 2003.

It is submitted that the filing of the English translation of the Japanese priority application in response to the Examiner's Answer of December 19, 2007, is timely because the Examiner's Answer of December 19, 2007, is the first paper in which the Examiner cited and relied on Tsuchiya, and 37 CFR 1.55(a)(4)(i)(B) states that "[a]n English translation of a non-English language foreign application is not required except . . . [w]hen necessary to overcome the date of a reference relied on by the examiner." Since the publication date of Tsuchiya is March 6, 2003, the Examiner could have cited and relied on Tsuchiya in the Office Action of January 11, 2006, or the Final Office Action of June 6, 2006, or the Office Action of November 20, 2006, or the Final Office Action of February 27, 2007.

It is submitted that claims 14, 15, 17, 18, and 21 are supported by the Japanese priority application as evidenced by the English translation discussed above, such that Tsuchiya is no longer available as a reference against claims 14, 15, 17, 18, and 21 for the reasons discussed above.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 14, 15, 17, 18, and 21 under 35 USC 103(a) as being unpatentable over Tsuchiya in view of Ito be reversed.

In response to these arguments, the Examiner states as follows on pages 2 and 6 of the Final Office Action of April 10, 2008:

It is noted that the priority document supports all the mask limitations of the present claims. However, the priority document does not explicitly teach that the mask can be used to form the second electrode layer, as required by the claims, but does seem to suggest that the deposition of electrodes with a mask was known in the EL art (see paragraph [0010] of English translation). This suggestion seems to indicate that Applicant had possession of deposition of the second electrode with the mask of the present invention.

The Examiner is referring to the feature "wherein the organic film and/or the second electrode layer are/is deposited using a deposition mask frame assembly" recited in independent claim 14. The applicant agrees with the Examiner that the applicant had possession of "the second electrode layer is deposited using a deposition mask assembly" aspect of this feature of claim 14, and submits that one of ordinary skill in the art would recognize this upon reading the following statement in paragraph [0003] of the English translation of the Japanese priority application:

Such organic EL devices includes first electrodes formed in a predetermined pattern on a transparent insulating substrate, an organic film formed on the first electrodes by vacuum deposition, and second electrodes formed as a cathode electrode layer on the organic film such that the first and second electrodes cross each other.

and the following statement in paragraph [0006] of the English translation of the Japanese priority application:

This problem is usually solved by vacuum-depositing an organic light emissive material for the organic film and a material for the cathode electrode layer using a patterned mask.

and the following statement in paragraph [0010] of the English translation of the Japanese priority application (the paragraph referred by the Examiner):

A mask 10 used to deposit an organic film or electrodes upon the manufacturing of an organic EL device is typically supported by a frame 20 so that the mask 10 is tensed as shown in FIG. 1.

The Examiner continues as follows on page 2 of the Final Office Action of April 10, 2008:

Additionally, the priority document does not have any sort of teaching about "sealing the electrode layer", as required by the claims. Therefore, the priority document does not fully support the claims and cannot be used to remove WO 2003/019988 to Tsuchiya et al. as prior art.

and as follows on page 6 of the Final Office Action of April 10, 2008:

Applicant argues on pg. 26-27 that the publication date of Tsuchiya is March 6, 2003, which is before the U.S. filing date of the present application, but *after* the filing date of November 22, 2002 of Japanese Patent Application No. 2002-339616, the Japanese priority application of the present application. However, the priority application has no disclosure of "sealing the second electrode" as required by claim 14. Thus, the priority application does not fully support the present claims and cannot be used to remove Tsuchiya as prior art to the present claims.

However, it is submitted that one of ordinary skill in the art would recognize that the applicant had possession of the feature "sealing the second electrode layer" recited in claim 14

upon reading the following statement in paragraph [0005] of the English translation of the Japanese priority application:

Because the organic film is very weak for water, it must be thoroughly isolated from water while being manufactured and even after the manufacturing.

in light of the following statement in paragraph [0003] of the English translation of the Japanese priority application:

Such organic EL devices includes first electrodes formed in a predetermined pattern on a transparent insulating substrate, an organic film formed on the first electrodes by vacuum deposition, and second electrodes formed as a cathode electrode layer on the organic film such that the first and second electrodes cross each other.

and the following statement in paragraph [0006] of the English translation of the Japanese priority application:

This problem is usually solved by vacuum-depositing an organic light emissive material for the organic film and a material for the cathode electrode layer using a patterned mask.

However, although the propriety of the Examiner's position is not conceded, claim 14 has been amended to delete the feature "sealing the second electrode layer," thereby rendering this issue moot.

It is submitted that claims 14, 15, 17, 18, and 21 (i.e., claim 14 discussed above and dependent claims 15, 17, 18, and 21 depending directly or indirectly therefrom) are supported by the Japanese priority application as evidenced by the English translation of the Japanese priority application discussed above, such that Tsuchiya is no longer available as a reference against claims 14, 15, 17, 18, and 21.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 14, 15, 17, 18, and 21 under 35 USC 103(a) as being unpatentable over Tsuchiya in view of Ito be withdrawn.

Rejection 7

Claim 15 has been rejected under 35 USC 103(a) as being unpatentable over Tsuchiya in view of Ito as applied to claim 14, and further in view of Yamada. This rejection is respectfully traversed.

The Examiner states as follows on page 4 of the Final Office Action of April 10, 2008:

The rejection has been previously cited in the Examiner's Answer filed 12/19/2007.

However, it is submitted that dependent claim 15 depending from claim 14 discussed above is supported by the Japanese priority application as evidenced by the English translation of the Japanese priority application discussed above, such that Tsuchiya is no longer available as a reference against claim 15.

For at least the foregoing reasons, it is respectfully requested that the rejection of claim 15 under 35 USC 103(a) as being unpatentable over Tsuchiya in view of Ito as applied to claim 14, and further in view of Yamada be withdrawn.

Rejection 8

Claims 16 and 22 have been rejected under 35 USC 103(a) as being unpatentable over Tsuchiya in view of Ito as applied to claim 14, and further in view of Martin. This rejection is respectfully traversed.

The Examiner states as follows on page 4 of the Final Office Action of April 10, 2008:

The rejection has been previously cited in the Examiner's Answer filed 12/19/2007.

However, it is submitted that dependent claims 16 and 22 depending from claim 14 discussed above are supported by the Japanese priority application as evidenced by the English translation of the Japanese priority application discussed above, such that Tsuchiya is no longer available as a reference against claims 16 and 22.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 16 and 22 under 35 USC 103(a) as being unpatentable over Tsuchiya in view of Ito as applied to claim 14, and further in view of Martin be withdrawn.

Rejection 9

Claim 19 has been rejected under 35 USC 103(a) as being unpatentable over Tsuchiya in view of Ito as applied to claim 18, and further in view of Kitazume. This rejection is respectfully traversed.

The Examiner states as follows on page 4 of the Final Office Action of April 10, 2008:

The rejection has been previously cited in the Examiner's Answer filed 12/19/2007.

However, it is submitted that dependent claim 19 depending from claim 14 discussed above is supported by the Japanese priority application as evidenced by the English translation of the Japanese priority application discussed above, such that Tsuchiya is no longer available as a reference against claim 19.

For at least the foregoing reasons, it is respectfully requested that the rejection of claim 19 under 35 USC 103(a) as being unpatentable over Tsuchiya in view of Ito as applied to claim 18, and further in view of Kitazume be withdrawn.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

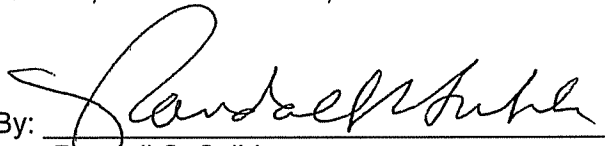
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Date: 06/06/08

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